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Joseph J. Laks			EXAMINER	
Thomson Licensing LLC			LUONG, ALAN H	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/561,024

Applicant(s)

BLAIR ET AL.

Examiner

ALAN LUONG

Art Unit

2427

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 August 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-2,5-13 and 16-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-13 and 16-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S5108)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Art unit is changed into 2427

Response to Amendment

This Office Action is responsive to the Amendment filed on 08/29/2008.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-2, 5, 10-13 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 2005/0028208 A1 published by Ellis et al. (Hereinafter Ellis); in view of US 2002/0078441 A1 published by Drake et al. (Hereinafter Drake) .

Regarding to claim 1: Ellis discloses a method for issuing a parental monitoring query command for determining a media object being rendered on a remote device [24] (see Ellis, Figs. 1, 17, ¶0133, ¶0157, ¶0158, ¶0169), comprising the steps of:

Fig 2a-2c of Ellis illustrate a **monitoring device** [22] **transmitting a query requesting identification information** (i.e. a parental control code or lock icon 310 of Fig. 7) a

media object as TV programs **being multicasted through a multicast group** (multiple users at location which user has device [22] of Fig. 3) **to a remote device** [24] **from a host device** [16 or 17] through communication link 19; (see Ellis, ¶0077, ¶0078 Figs. 7, 8, ¶0120-¶0122).

Finally, FIG. 17 shows illustrative steps involved in **providing** a user with remote access to the parental control features, **from the monitoring device** [22], (i.e. TV programming may be locked locally by a user via user television equipment 22 group or may have been locked remotely by the remote access program guide on screen of the remote program guide access device 24, because the remote device communicates with program guide equipment [17] by link 19, this allow user requests the host [16] stops or disables program even disconnect service **if said media object is objectionable so that receipt of said media object by said remote device is disabled** (see Ellis, ¶0157 to ¶0159)

However, Ellis explicitly fails to teach "receiving multicast information in response to said query, wherein said multicast information indicates a multicast address and port which is used to multicast said media object through the multicast group to the remote device from the host device, resolving said multicast address and port information to identify attributes of said media object, joining the multicast group with said received multicast information to receive said media object and a leave command to the host device to remove said remote device from said multicast group".

In an analogous art directed toward a similar problem namely improving the results from multicast information in response for resolving said multicast address and port information to identify attributes of said media object. Fig. 2 of Drake illustrates a Viewer Authorization Detector component 263 in Various Real-Time Content Enhancement Services 260; (**Drake, ¶0039**) for **receiving multicast information** in response to said **query** (i.e. detecting when expected interaction events are not received from those STBs, and/or querying those STBs periodically to provide identification and/or authorization information. (**Drake, ¶0041**), Fig. 3 of Drake illustrates an interaction event data 300; **wherein said multicast information indicates a multicast address** (i.e. IP address 322 or MAC address 318 etc...) **and port** (i.e. URL 346) **which is used to multicast said media object through the multicast group to the remote device** (i.e. a Remote Monitor Access component 264 of Real-Time Content Enhancement Services 260 **from the host device** (i.e. Content servers) (**Drake, ¶0039**), resolving said multicast address and port information **to identify attributes of said media object** (**Drake, ¶0039, ¶0046**).

Fig. 1 of Drake illustrates 105 as Content servers provides a **real-time** of multi-cast service to multiple STBs [120] (i.e. STB 122, 124, 126, 128) which are connecting to plural of monitors [130] (i.e. monitor 132, 134, 136, 138) by IP transmission under controlled by the content control instructions **for joining the multicast group with said received multicast information to receive said media object** (i.e. such as to join a different multi-cast corresponding to the newly selected TV program channel); (**see Drake, ¶0021- ¶0024**), to allow other viewers to select to join a multi-cast of the current

most popular content, and/or for various other business uses; **Drake, ¶0042, ¶0062**) and the content control instructions includes **a leave command to the host device** (i.e. Content server 105) **to remove said remote device** (i.e. set top box 124) **from said multicast group** (i.e. STBs120)(**Drake, ¶0024**). Therefore, It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine multicast service as taught by Drake with a remote access to the parental control features of Ellis; in order to obtain audience data directly and automatically from the software and devices used to provide broadband network service, such as in a real-time manner. This need is preferably addressed without extra monitoring devices or manual operations from subscribers or viewers.(**Drake, ¶0005**).

Regarding to claim 2: Ellis also teaches:” the user remotely access video and audio as **said media object is rendered on said monitoring device** [22]; **see Ellis, ¶0133**).

Regarding to claim 5: In the method of claim 1; Ellis explicitly teaches the user device [22] as the **monitoring device is an Internet Protocol enabled set top box**. (i.e. a non-program-guide application that may be implemented on a set-top box in accordance with the present invention is an Internet browser; for example, browser screen 700 of a remote access browser application. Browser screen 799 may have a bookmark option 705; **Ellis; Fig. 24, ¶0176**)

Regarding to claim 10: In the method of claim 1; Ellis further teaches where said query additionally comprises:

a request for a browser history log file (i.e. as a bookmark contains stored Web addresses, **Ellis; Fig. 24, ¶0176, ¶0224**)

and where said log file comprises the IP addresses of media objects (i.e. using a protocol stack which includes Transmission Control Protocol/Internet Protocol (TCP/IP) layers, Appletalk Transaction Protocol/Datagram Delivery Protocol (ATP/DDP) layers, or any other suitable network and transport layer protocols or combination of protocols) accessed by said remote device [24]. **Ellis, Fig. 1, ¶0095**)

Regarding to claim 11: In the method of claim 10, Ellis further teaches **the remote device is a personal computer** (i.e. remote program guide access device 24 may be any suitable personal computer (PC), portable computer (e.g., a notebook computer), palmtop computer, handheld personal computer (H/PC), display remote, touch-screen remote, automobile PC, personal digital assistant (PDA), or other suitable computer based device; **Ellis, Fig. 5, ¶0092**)

Regarding to claim12: Fig. 2 of Drake illustrates **an apparatus [200]** for issuing a parental monitoring query command for determining a media object being rendered on a remote device (**Drake, ¶0034**), comprising:

Fig. 2 of Drake illustrates a network connection 212 as a **network interface**, a Control Instruction Receiver component 252, a Content Selector component 254, and a Content Transmitter component 256 as a **transport decoder (Drake, ¶0035)** and Drake also discloses a Viewer Authorization Detector component 263 as a **data transport decoder; Drake, ¶0039**). These above components have function supporting the

limitation of claim 1 which is disclosed by Ellis and Drake, therefore, claim 12 is anticipated by Ellis and Drake, wherein the apparatus is implemented using the "method" of Ellis and Drake; see discussion in claim 1 above.

Regarding to claim 13: Ellis and Drake disclose all claim limitation of claim 2; wherein the apparatus is monitoring device 22 of Ellis; see discussion in claim 2 above.

Regarding to claim 19: Ellis and Drake disclose all limitation of claim 10; wherein the apparatus is implemented using the "method" of Ellis and Drake; see discussion in claim 10 above.

3. **Claims 6, 7, 16 and 17** are rejected under 35 U.S.C. 103(a) as being unpatentable over US 2005/0028208 A1 published by Ellis et al. (Hereinafter Ellis) and US 2002/0078441 A1 published by Drake et al. (hereinafter Drake) and in view of US Patent No. 6774926 to Ellis et al. (Hereinafter US'926)

Regarding to claim 6: In the method of claim 1; Ellis and Drake fail to teach teaches wherein said monitoring device uses a channel list that maps said multicast address and port to a channel.

In an analogous art directed toward a similar problem namely improving the results from a channel list that maps said multicast address and port to a channel. US'926 teaches a personal television channels with digital or analog television channels on a viewer's set-top box **wherein said monitoring device** as viewer equipment 34 **uses a channel list**

(i.e. channel maps that link certain personal television channels with digital or analog television channels on a viewer's set-top box or that link certain personal television channels with Internet address information as **multicast address and port** that may be used to locate **to a channel** when a viewer desires to view certain personal television channel programming; **US'926; col. 14 lines 4-12**) Therefore, It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the parental control features of Ellis and Drake with a personal TV channel as taught by US'926; in order to Links may be provide links from displayed personal television channels to web sites, chat rooms, e-mail applications, and other such features (**US'926; Abstract**).

Regarding to claim 7: In the method of claim 6; Ellis also teaches wherein a **program guide is used to select media objects** (i.e. a program guide application run on a set-top box of typical user television equipment 22 and the program guide application may display various program guide display screens and the non-program-guide applications may display various non-program-guide display screens from there user access program guide to select media objects"; **Ellis; Fig. 24, ¶0022**) and Drake discloses the Content Servers communicate with the STBs using packet-switched technology (e.g., IP transmissions) through a Central Office, and **the media objects transmitted** by one or more Central Office telephone switches 115 to assist in the distribution of the content to the STBs (i.e. in a multi-channel content providing situation (e.g., television programming), for example, a content control instruction can include changing the channel. Thus, if STBs 122, 124, and 126 were each receiving the same channel of

information via a multi-cast), along a circuit-based path as a channel (e.g., DSL lines);

Drake; ¶0023, ¶0024) meets the limitation of "the **media objects transmitted as a multicast media object corresponding to said channel**".

Regarding to claim 16: Ellis, Drake and US'926 disclose all limitation of claim 6; wherein the apparatus is implemented using the "method" of Ellis and Drake; see discussion in claim 6 above.

Regarding to claim 17: Ellis and Drake disclose all limitation of claim 7; wherein the apparatus is implemented using the "method" of Ellis and Drake; see discussion in claim 7 above.

4. **Claims 8, 9 and 18** are rejected under 35 U.S.C. 103(a) as being unpatentable over US 2005/0028208 A1 published by Ellis et al. (Hereinafter Ellis) and US 2002/0078441 A1 published by Drake et al.(hereinafter Drake) and further in view of "Request For Comments 3266; Updates 2327, Network Working Group, June 2002) published by Olson et al.(hereinafter Olson)

Regarding to claim 8: Drake also teaches the media object is transmitted as part of an Internet Group Management compatible protocol multicasting service (i.e. an interaction event information will be sent using a lower-overhead but unreliable transportation mechanism, such as UDP/IP and/or the Internet Group Membership Protocol (IGMP); see Drake, ¶0028).

However, Neither Ellis nor Drake teaches program identification information is available for said media object as part of a Session Description compatible protocol.

Olson; in the "Support for IPv6 in Session Description protocol (SDP)" teaches IPv6 addresses when used within a URL; **Olson; pages 1-3**) meets the limitation of "program identification information is available for said media object as part of a Session Description compatible protocol". Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the parental monitoring features of Ellis and Drake with IPv6 addresses in SDP as taught by Olson; in order to connect and monitor audience rating directly from updates software as IPv6 addresses without extra monitoring devices or manual operations from service providers.

Regarding to claim 9: Drake teaches interaction event information will be sent using a lower-overhead but unreliable transportation mechanism, such as UDP/IP and/or the Internet Group Membership Protocol (IGMP) wherein said **resolving step uses IGMP data**); see Drake, ¶0028) and Ellis also teaches the Program guide server 25 may be any suitable software, hardware, or combination thereof for providing a client-server based program guide as a **middleware server**; Ellis, Figs. 2c, 2d, ¶0073- ¶0075, ¶0077¶0098, ¶0073, Fig. 6c, ¶0101).

Regarding to claim 18: Ellis, Drake and Olson disclose all claim 8 limitation wherein the apparatus is implemented using the "method" of Ellis, Drake and Olson; see discussion in claim 8 above.

Response to Arguments

5. Applicant's arguments with respect to claims 1-2, 5-14 and 17-19 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALAN LUONG whose telephone number is (571)270-5091. The examiner can normally be reached on Mon.-Thurs., 8:00am-5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Beliveau can be reached on (571) 272-7343. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ALAN LUONG/
Examiner, Art Unit 2427

/Scott Beliveau/
Supervisory Patent Examiner, Art Unit 2427